

laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

#### Additional Signer of Senate Bill 22

On motion of Senator Van Zandt and by unanimous consent, the name of Senator Metcalfe was added to S. B. No. 22, as a signer thereof.

#### Suspension of Constitutional Rule

Senator Cotten moved that the constitutional rule relative to the consideration of bills during the earlier days of the Regular Session of the Legislature be suspended and that S. B. No. 27 be considered promptly in the Committee to which it has been referred.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Adjournment

On motion of Senator Isbell, the Senate, at 11:25 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### NINTH DAY

(Tuesday, January 24, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Hill and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Petitions and Memorials

Senator Isbell presented a communication from Hon. C. E. Perry, Mayor of Wolfe City, Texas, relating to establishment of vocational school for negroes in Fannin County, which was read to the Senate.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Stone of Galveston:

S. B. No. 81, A bill to be entitled "An Act making an appropriation to the State Health Department to be used for the purpose of assisting in the eradication of pneumonia in the State and for carrying on a pneumonia typing control program, and declaring an emergency."

Referred to Committee on Finance.

By Senator Spears:

S. B. No. 82, A bill to be entitled "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Spears:

S. B. No. 83, A bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services, and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Labor.

By Senator Small:

S. B. No. 84, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said county, excepting from the validating provisions of this Act any indebtedness in litigation, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Small:

S. B. No. 85, A bill to be entitled "An Act regulating the practice of

shorthand reporting in the State of Texas; defining the term 'shorthand reporting'; defining the term 'certified shorthand reporter'; providing for the issuance of certificates; prescribing the qualifications of those to whom may be issued certificates; providing for examination of applicants for certificates, and exemptions from such examinations; providing for a filing fee to be paid by such applicants, and the disposition of the money so received; providing that violation of the terms of this Act shall constitute a misdemeanor, and prescribing a penalty; prescribing who shall engage in the practice of shorthand reporting; providing for the revocation of certificates issued hereunder; providing that the transcript of a certified shorthand reporter's notes shall be received in the courts of this State as prima facie correct; providing for the creation of a State Board of Shorthand Reporting to administer this Act and prescribing the length of term and duties of the members of such Board, and their compensation; providing that this Act and the Board created hereunder shall be self-sustaining; prescribing the authority of the Board to make rules for the administration of this Act, and providing for the meetings of such Board; providing that if any part of this Act shall be held invalid, it shall affect no other part hereof; repealing all laws in conflict herewith; providing for the designation of this Act; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Stone of Galveston:

S. B. No. 86, A bill to be entitled "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park."

Referred to Committee on Public Lands and Land Office.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 24, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 20, In memory of  
Doctor W. R. Newton, Sr.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Message from the Governor

The President laid before the Senate the following message from the Governor, which was read and referred to Committee on Nominations of the Governor:

Executive Office,  
Austin, Texas,  
January 23, 1939.

To the Senate of the Forty-sixth  
Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the Board of Regents of the State Teachers Colleges (terms beginning January 10, 1939):

V. A. Collins of Polk County, Livingston, Texas;

Dr. J. G. Ulmer of Smith County, Tyler, Texas;

Mrs. J. K. Beretta of Bexar County, San Antonio, Texas.

To be members of the Board of Regents of The University of Texas (terms beginning January 10, 1939):

Mrs. I. D. Fairchild of Angelina County, Lufkin, Texas;

K. H. Aynesworth of McLennan County, Waco, Texas;

H. J. Lutchter Stark of Orange County, Orange, Texas.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

#### Suspension of Constitutional Rule

Senator Small moved that the constitutional rule relative to the consideration of bills during the earlier days of a regular session of the Legislature be suspended to permit consideration of Senate Bill No. 84 in Committee and by the Senate.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore  
Nelson  
Pace  
Redditt  
Roberts

Shivers  
Small  
Spears  
Stone  
of Ga, E tsa  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

#### Report of Standing Committee

The following report of the Committee on Highways and Motor Traffic was submitted by Senator Brownlee:

Committee Room,  
Austin, Texas,  
January 24, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said county, excepting from the validating provisions of this Act any indebtedness in litigation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

#### Senate Bill No. 84 on Second Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 84 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

On motion of Senator Small, and by unanimous consent, Senate Rules 31a and 48 were suspended, to permit consideration of the bill at this time.

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 84, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill No. 84 on Third Reading**

The President then laid Senate Bill No. 84 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

**Report of Committee on Rules**

Senator Collie submitted at this time the following report of the Committee on Rules:

Committee Room,  
Austin, Texas,  
January 24, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. R. No. 16, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass, but that the accompanying Committee Substitute therefor do pass and be printed.

COLLIE, Chairman.

**Committee Substitute for Senate Resolution No. 16**

Be it resolved by the Senate of the State of Texas, That the general rules of the Senate, Numbers 1 to 101, inclusive, of the Forty-fifth Legislature, as shown on pages 247 to 305, inclusive of the Texas Legislature Manual, 1937, with the following amendment be adopted as the permanent rules of the Texas Senate of the Forty-sixth Legislature.

99-b. If a motion to report a bill or resolution favorably does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote, the same shall be dead. When a bill or resolution has been killed by the committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee, (if the committee is composed of ten or less and three members if composed of more than ten), present at the time the bill is killed and who voted on the minority side; this report must be in writing and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee (Sundays and days the Senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the Senate to have the same substituted for the majority report within ten calendar days (Sundays and days the Senate

is not in session excepted) from the time said minority report was filed with the Senate, said bill or resolution shall be dead and shall not be again considered during the session. It shall take the affirmative vote of a majority of the members of the Senate present, but in no event less than 15 affirmative votes to substitute a minority report for the majority report.

If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the Senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the Senate, shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the Senate to confirm the substitution made by the committee. Provided, that any motion to substitute the minority for the majority report, shall be privileged.

The rules which have heretofore been repealed by Act of the Senate in the 45th Legislature shall be eliminated and the sections are to be renumbered accordingly.

#### Senate Resolution 18

Senator Collie offered the following resolution:

Be it resolved by the Senate of the State of Texas, That the following rules of the Senate be adopted as a part of the permanent rules of the Forty-sixth Legislature.

#### Rules Pursuant to Section 5, Article III, of State Constitution

The following rules Numbers 102 to 107, inclusive, are adopted by the Senate in lieu of the procedure set forth in Section 5, Article 3, of the Texas Constitution.

#### Time Limit for Introduction and Consideration of Bills

102. It shall be in order to introduce bills during the first sixty calendar days of the session, and to have the same referred to a proper committee. Provided, however, that

at any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 104) may be introduced, referred to a committee, and disposed of under the General Rules of the Senate. The Senate may act upon the appointments (recess or otherwise) of the Governor at any time during the session.

#### Suspension of Time Limit Rule

103. Except as otherwise provided in Rule 102, no bills shall be introduced after the first sixty calendar days of the session. Provided, however, this Rule may be suspended by the affirmative vote of four-fifths of the members of the Senate.

#### Introduction and Consideration of Local Bills

104. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

A local bill is defined for the purposes of this Rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the State, but which do not affect directly the State at large, and the operation of which is confined solely to a particular locality, district or section of the State.

105. Repealed in Senate Rules of the Forty-fifth Legislature.

#### Suspension of Rule Limiting Consideration of Bills

106. Except as otherwise provided in Rule 102 bills shall not be taken up, considered, or acted upon by the Senate during the first sixty calendar days of the session, unless this Rule be suspended by the affirmative vote of four-fifths of the members of the Senate.

#### Consideration of Bills in Committees

107. It shall be in order for committees to consider bills and resolu-

tions at any time during the session, make reports thereon, and file the same with the Senate.

The resolution was read and was referred to the Committee on Rules.

#### Adjournment

On motion of Senator Van Zandt, the Senate, at 10:35 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

##### Reports of Committees on Engrossed and Enrolled Bills

Committee Room,  
Austin, Texas, January 23, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 72 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Committee Room,  
Austin, Texas, January 16, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 47 carefully examined, compared

and read, and find same correctly engrossed.

LANNING, Chairman.

Committee Room,  
Austin, Texas, January 23, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 25 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Committee Room,  
Austin, Texas, January 12, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Concurrent Resolution No. 2 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,  
Chairman.

Committee Room,  
Austin, Texas, January 16, 1939.

Hon. Coke Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Concurrent Resolution No. 3 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,  
Chairman.

**In Memory of**  
**Dr. W. R. Newton, Sr.**

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(House Concurrent Resolution No. 20)

The President laid before the Senate the following resolution:

Whereas, On the 21st day of May, 1938, at the age of sixty-four years, the Almighty God in His superior judgment, which we mortals so little understand, took from our earthly ranks the great soul of the late Doctor and Senator W. R. Newton, Sr., of Cameron, Texas, and he answered that call as gallantly and preparedly as he had always answered every other call in ordinary life.

Whereas, In the State which proudly claims Doctor W. R. Newton as its own, there is a reserved place left in the hearts of all who loved and honored him for his great gifts of mind and heart, his valuable contributions to his State and community, manifest to all who knew him.

Whereas, He was a very valuable leader in the medical profession as a physician and surgeon, and his kind and generous services as a physician and surgeon remain to be matched, as it was his objective to cure the sick regardless of their poor financial condition. In the year of 1936 he was elected to the State Senate.

Whereas, When Doctor W. R. Newton was elected to the State Senate in 1936, serving with his son, George Mayo Newton, who was an outstanding and distinguished Member of the Forty-fourth and Forty-fifth Legislatures, they composed the only combination of a son and father team in each branch of the Legislature at the same time, from the same district, in the history of the Legislature.

Whereas, The Members of the Forty-sixth Legislature and all of the State of Texas bow their heads in a spirit of respect for the great loss of his outstanding services and devotion to his State and fellowman.

Whereas, By the innumerable good deeds and contributions of Doctor W. R. Newton to both community and State shall ever keep his memory aglow and imperishable, meriting him the highest honor and ovation this State can pay; now, therefore, be it

Resolved by the Members of the Senate and the Members of the House of Representatives concurring, To acknowledge the loss of his inspiring presence and splendid record in the medical profession, and a copy of this resolution be spread on the memorial pages of the Senate and House Journals of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgment of the debt Texas owes and the tribute Texas pays, to a true son of the people; and also, be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State and in the affection of his friends and sorrowing family.

The resolution was read and was adopted unanimously.